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February 3, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
FEB 3 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Amendment of
Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Chugwater, Wyoming
(MM Docket No. 96-243, RM 8925,
Montgomery Broadcasting Limited Liability Company)

Dear Mr. Caton:

On January 27, 1997, the undersigned filed Comments on behalf of Montgomery Broadcasting Limited Liability Company in response to the Mass Media Bureau's Notice of Proposed Rule Making in the Chugwater, Wyoming, proceeding. Montgomery Broadcasting Limited Liability Company therein supported the Commission's proposed allotment.

However, through inadvertence, it appears that a photocopy of the Comments of Montgomery Broadcasting Limited Liability Company in the Chugwater, Wyoming, proceeding was not served on the petitioner, Mountain Tower Broadcasting. That inadvertent oversight is being corrected contemporaneously herewith, and, to reflect that Mountain Tower Broadcasting has been served on this date with a copy of the Chugwater, Wyoming Comments of January 27, 1997. On behalf of Montgomery Broadcasting Limited Liability Company a revised Certificate of Service, dated as of this date and reflecting service upon Mountain Tower Broadcasting is annexed hereto, together with a copy of the Comments. It should be noted that, since Montgomery Broadcasting Limited Liability Company supported the Chugwater, Wyoming, allotment which had been proposed by the Commission, and since the Commission proposed

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KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

Mr. William F. Caton

February 3, 1997

Page 2

allotment of Channel 258A to Chugwater, and since Mountain Tower Broadcasting had proposed a Class A channel allotment to Chugwater, Mountain Tower Broadcasting cannot be said to be prejudiced in any way by the enclosed Comments of Montgomery Broadcasting Limited Liability Company, which fully supported the proposed Chugwater, Wyoming, additional Class A FM channel allotment.

Please direct any inquiries concerning this submission to the undersigned at the Washington, D.C. offices of this Firm.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &
HANDLER, LLP

By: 
Irving Gastfreund

Enclosures

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January 27, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Amendment of
Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Chugwater, Wyoming
(MM Docket No. 96-243, RM 8925,
Montgomery Broadcasting Limited Liability Company)

Dear Mr. Caton:

Submitted herewith for filing, on behalf of Montgomery Broadcasting Limited Liability Company, are an original and four (4) copies of its Comments in response to the Notice of Proposed Rule Making in MM Docket No. 96-243 (RM-8925), ___ FCC Rcd ___, DA 96-1994 (Allocations Branch, Policy and Rules Division, Mass Media Bureau, released December 6, 1996). The enclosed Comments are being submitted pursuant to the referenced Notice of Proposed Rule Making, and pursuant to the provisions of the Appendix to that document and to the provisions of Sections 1.415 and 1.420 of the Commission's Rules.

KAYE, SCHOLER, FIERMAN, HAYS & HANDLER, LLP

Mr. William F. Caton

January 27, 1997

Page 2

Please direct any inquiries concerning this submission to the undersigned at the Washington, D.C. offices of this Firm.

Respectfully submitted,

KAYE, SCHOLER, FIERMAN, HAYS &
HANDLER, LLP

By: 

Irving Gastfreund

Counsel for

Montgomery Broadcasting Limited

Liability Company

Enclosures

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b))	MM Docket No. 96-243
Table of Allotments)	RM-8925
FM Broadcast Stations)	
(Chugwater, Wyoming))	
)	

TO: Chief, Allocations Branch,
Mass Media Bureau

COMMENTS OF
MONTGOMERY BROADCASTING LIMITED LIABILITY COMPANY

MONTGOMERY BROADCASTING LIMITED LIABILITY COMPANY

("Montgomery"), by its counsel, pursuant to Sections 73.202(b), 1.415 and 1.420 of the Commission's Rules, hereby submits its instant Comments in response to the Notice of Proposed Rule Making in MM Docket No. 96-243, RM-8925, ___ FCC Rcd ___, DA 96-1994 (Allocations Branch, Policy and Rules Division, Mass Media Bureau, released December 6, 1996). In support whereof, it is shown as follows:

Montgomery is the proponent and the Petitioner in MM Docket No. 96-242 (RM-8940) of a proposal to allot FM Channel 229A to Cheyenne, Wyoming, as that city's sixth local FM transmission service. Indeed, the Allocations Branch of the Mass Media Bureau's Policy and Rules Division has issued a Notice of Proposed Rule Making in MM Docket No. 96-242 (RM-8940), DA 96-1993 (Allocations Branch, Policy and Rules Division, Mass Media Bureau, released December 6, 1996) proposing allotment of FM Channel 229A to Cheyenne, Wyoming, as proposed by Montgomery.

In its Notice of Proposed Rule Making in the above-captioned Chugwater proceeding, the Allocations Branch stated as follows:

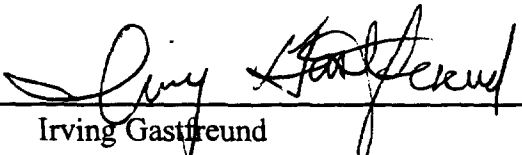
“Our engineering analysis indicates that Channel 229A at Chugwater conflicts with a pending proposal for the allotment of Channel 229A at Cheyenne, Wyoming (RM-8940).¹ However, in an effort to accommodate petitioner’s proposal an alternate Class A channel has been found [for Chugwater, Wyoming] to avoid the conflict. We believe the proposal warrants consideration since the proposed allotment of Channel 258A at Chugwater, Wyoming, could provide the community with its first local aural transmission service. An engineering analysis has determined that Channel 258A can be allotted to Chugwater [Wyoming] in compliance with the Commission’s minimum distance separation requirements at city reference coordinates [Footnote omitted.]”

Id. at slip op. at 1-2, ¶3.

Montgomery is filing its instant Comments to advise the Commission of its support for the proposal of the Mass Media Bureau to allot FM Channel 258A at Chugwater, Wyoming, in lieu of allotment of Channel 229A at Chugwater, as had been or originally proposed in MM Docket No. 96-243, RM-8925, by Mountain Tower Broadcasting, which was the Petitioner in the above-captioned rulemaking proceeding.

Respectfully submitted

MONTGOMERY BROADCASTING LIMITED
LIABILITY COMPANY

By: 
Irving Gastfreund
Kaye, Scholer, Fierman, Hays & Handler, LLP
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(202) 682-3526
Its Attorneys

January 27, 1997

¹ As will be noted, RM-8940 (MM Docket No. 96-242) is the November 7, 1996 Petition For Rulemaking of Montgomery.


CERTIFICATE OF SERVICE

I, Mary Odder, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that, on this 27th day of January, 1997, a copy of the foregoing "Comments Of Montgomery Broadcasting Limited Liability Company, here transmitted via hand-delivery to the offices of the following:

John A. Karousas, Esq.
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2000 M Street, N.W.
5th Floor
Washington, D.C. 20554

Sharon P. McDonald
Broadcast Analyst
Policy and Rules Division
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Allan G. Moskowitz, Esq.
Kaye, Scholer, Fierman, Hays & Handler, LLP
901 15th Street, N.W., Suite 1100
Washington, D.C. 20005


Mary Odder

CERTIFICATE OF SERVICE


I, Mary Odder, a secretary in the law firm of Kaye, Scholer, Fierman, Hays & Handler, LLP, do hereby certify that, on this 3rd day of February, 1997, a copy of the foregoing "Comments Of Montgomery Broadcasting Limited Liability Company, here transmitted via hand-delivery or sent via U.S. mail, postage prepaid, to the offices of the following:

Victor A. Michael, Jr.
President
Mountain Tower Broadcasting
c/o Magic City Media
1912 Capitol Avenue, Suite 300
Cheyenne, Wyoming 82001

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